

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 321.34, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 401, “Special Registration Plates,” and Chapter 425, “Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers,” Iowa Administrative Code.

Items 1 and 2 will allow qualified firefighters and members of an emergency medical services agency who are current plate holders of a firefighter plate or an emergency medical services plate the ability to apply for reissuance of the previously assigned plate number during a plate replacement or if the plate is lost, damaged or stolen. Item 3 makes a change to the definition of “principal place of business” to state that the business must be within the state of Iowa. Item 4 will allow a Department representative, not just a Department investigator, to physically inspect an applicant’s principal place of business when the applicant is applying for a motor vehicle dealer’s license if the Department decides that an inspection is required.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than April 23, 2013.

A meeting to hear requested oral presentations is scheduled for Thursday, April 25, 2013, at 10 a.m. at the Iowa Department of Transportation’s Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.34, 322.2(15) and 322C.2(8).

Proposed rule-making actions:

ITEM 1. Amend subrule 401.9(4) as follows:

**401.9(4) Plates.** Firefighter plates are limited to five characters. Personalized plates are not available. When a new series of firefighter plates is issued to replace a current series or the plate has been lost, stolen, or damaged, an applicant may obtain replacement plates containing the applicant’s previous plate number upon payment of the statutory fee.

ITEM 2. Amend subrule 401.10(3) as follows:

**401.10(3) EMS plates** are limited to five characters. Personalized plates are not available. When a new series of EMS plates is issued to replace a current series or the plate has been lost, stolen, or damaged, an applicant may obtain replacement plates containing the applicant’s previous plate number upon payment of the statutory fee.

ITEM 3. Amend rule ~~761—425.3(322)~~, definition of “Principal place of business,” as follows:

*“Principal place of business”* means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a travel trailer dealer may use a manufactured or mobile home as an office if taxes are current or a travel trailer as an office if registration fees are current. The principal place of business must be located in this state.

ITEM 4. Amend subrule 425.12(1) as follows:

**425.12(1) *Verification of compliance.*** Before a motor vehicle dealer’s license is issued, ~~an investigator from a representative of the department shall~~ may physically inspect an applicant’s principal place of business to verify compliance with this rule.